

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

**REGINA NACHAEL HOWELL
FOSTER,**

Appellant,

v.

**AREYA HOLDER AURZADA et
al.,**

Appellees.

§
§
§
§
§
§
§
§
§
§
§

Civil Action No. 4:20-cv-00036-P


ORDER

On January 14, 2020, Appellant Regina Nachael Howell Foster filed a “Motion to Withdraw the Reference,” regarding a bankruptcy adversary proceeding that had been recently removed from state court. ECF No. 1-1. As of the date of this Order, Foster has not provided the Court with a record that demonstrates the bankruptcy court has made an initial determination as to whether the underlying adversary proceeding is core or non-core. Therefore, the Court finds that Foster’s Motion to Withdraw the Reference should be and is hereby **DENIED as premature**. *See, e.g., FirstEnergy Sols. Corp. v. Bluestone Energy Sales Corp.*, No. 18-50757, 2019 WL 3423157, at *2 (N.D. Ohio July 30, 2019) (denying motion for withdrawal as premature because, *inter alia*, “the parties never requested, and the Bankruptcy Court never determined, whether the Adversary Proceeding is core or non-core”); *In re Formica Corp.*, 305 B.R. 147, 149 (S.D. N.Y. 2004) (affirming that “any

motion to withdraw would be premature until the bankruptcy court first determined whether the case was a core or non-core proceeding”).

Accordingly, the Motion to Withdraw the Reference is **DISMISSED without prejudice**. The Clerk is **DIRECTED** to terminate this civil action.

SO ORDERED on this **27th day of March, 2020**.

A handwritten signature in black ink that reads "Mark T. Pittman". The signature is written in a cursive, flowing style. The "M" is large and loops around the "a". The "T" is a simple vertical stroke. The "P" is also cursive, and the "tman" part is written in a continuous, connected manner.

Mark T. Pittman
UNITED STATES DISTRICT JUDGE